

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT J. ZEBROWSKI, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	No. 10-542
EVONIK DEGUSSA CORPORATION	:	
ADMINISTRATIVE COMMITTEE, et al.	:	

ORDER

AND NOW, this 10th day of September, 2012, it is ordered:

- “Defendants’ Motion for Summary Judgment” (doc. no. 33) is denied, and judgment is entered in favor of plaintiff Zebrowski and against defendants as to “Defendant Evonik Degussa Corporation Administrative Committee’s Counterclaim for Equitable Relief Against Plaintiff Robert J. Zebrowski” (doc. no. 18).
- “Plaintiffs’ Motion for Partial Summary Judgment as to Liability” (doc. no. 38) is granted, and judgment is entered in favor of plaintiffs and against defendants as to liability on all claims contained in Counts One, Two, and Three of the complaint. Count Four of the complaint is dismissed as moot.
- Specifically, it is determined that defendants are liable to:
 - plaintiff Robert J. Zebrowski in the amount of \$461,775 for past due plan benefits as of February 1, 2009.
 - plaintiff Robert A. Woodruff in the amount of \$429,957 for past due plan benefits as of April 1, 2009.
 - plaintiff Gregory Bialy in the amount of \$266,470 for past due plan benefits as of December 1, 2009.

A Rule 16 conference is scheduled for September 20, 2012, at 11:30 a.m. to consider other relief to which plaintiffs may be entitled. The parties are encouraged to reach agreement on this issue prior to the conference.

BY THE COURT:

/s/ Edmund V. Ludwig
Edmund V. Ludwig, J.